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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

8 VINCENT KELLY, on behalf of himself and
9 all others similarly situated, and the general
10 public

11 Plaintiff,

12 v.

13 BANNER HEALTH, an Arizona corporation;
14 BH CORPORATE OFFICE, a business entity
15 of unknown form; and DOES 1 through 50,
16 inclusive,

17 Defendants.

Case No. 2:24-cv-00920-DJC-JDP

**ORDER RE: JOINT MOTION TO
APPROVE PRIVACY OPT-OUT
PROCEDURE**

18 Having reviewed the Parties' Joint Motion to Approve Privacy Opt-Out Procedure, and
19 good cause appearing;

20 **IT IS HEREBY ORDERED:**

21 1. Phoenix shall be appointed as the Notice Administrator and will mail the Notice,
22 receive objection forms, and prepare a report summarizing the notice process and number of
23 objectors.

24 2. Banner Health will provide a putative class list to the Notice Administrator that
25 contains each putative class member's name, last known home address, last known telephone
26 number and last known email address, job title, and dates of employment (to the extent available)
27 within fifteen (15) court days of the Court granting this motion.

28 3. Within seven (7) days of receiving the putative class member list, the Notice
Administrator shall mail the Notice attached as Exhibit A to each putative class member.

1 4. Putative class members shall have thirty (30) days from the date that the Notice
2 Administrator mails the Notice to opt-out of the disclosure of their contact information.

3 5. If a putative class member timely opts-out (i.e., mails their objection within 30
4 days) or the notice is returned undeliverable, then the putative class member's contact
5 information will not be disclosed to Plaintiff's counsel.

6 6. The Notice Administrator will produce the remaining putative class members'
7 names, last known phone numbers, last known addresses, last known email addresses, job titles,
8 and dates of employment (to the extent available) within ten (10) days after the deadline to opt-
9 out has lapsed.

10 7. Plaintiff and Plaintiff's counsel agree to keep the contact information confidential
11 and agree that it will be used solely in the prosecution of this lawsuit.

12 8. Plaintiff will bear all the expenses and fees related to the Notice and procedure set
13 forth above.

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15 Dated: May 9, 2025

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE